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May 15, 1997

EX PARTE OR LATE FILED

**James K. Smith**  
Director  
Federal Relations

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Room 222  
Washington, DC

**RECEIVED**  
**MAY 15 1997**  
Federal Communications Commission  
Office of Secretary

**Ex Parte Statement**  
CC Docket 95-184, Cable Inside Wire

Dear Mr. Caton:

The attached letter addressed to Ms. Meredith Jones, Chief, Cable Services Bureau, should be entered into the record of the above referenced docket.

Sincerely,

A handwritten signature in cursive script, appearing to read "James K. Smith".

Attachment

No. of Copies rec'd 082  
List ABOVE





**James K. Smith**  
Director  
Federal Relations

May 15, 1997

Ms. Meredith Jones, Chief  
Cable Services Bureau  
Federal Communications Commission  
2033 M Street, NW  
Room 918  
Washington, DC 20554

Re: CC Docket 95-184  
Cable Inside Wire

Dear Ms. Jones:

Ameritech New Media, Inc. (Ameritech) has previously expressed its concerns in this proceeding regarding efforts by incumbent cable operators to inhibit consumer choice and competition in the delivery of video programming to consumers residing in multiple dwelling units. The attached letter illustrates the efforts by Comcast in Sterling Heights, Michigan to impede consumer choice. Mr. Anthony Ruopoli of Ameritech has set forth in the attached statement how such conduct is thwarting the development of competition.

I ask you to consider this as evidence of conduct in the marketplace, the only purpose of which is to inhibit competition. It is Ameritech's position that the Commission should find assertions of exclusivity rights by incumbent cable operators to be unenforceable. Exclusive arrangements are antithetical to consumer choice and the mandate set forth in the Communications Act to promote competition in the delivery of video programming.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Smith", written over a horizontal line.

Attachments

cc: Secretary's Office (ex parte)  
Suzanne Toller  
Anita Wallgren  
Gretchen Rubin  
Marsha MacBride

Comcast Cable  
6095 Wall Street  
Sterling Heights, MI 48312  
810 978-0457



April 28, 1997

East Lakeside Apartments  
43976 Freeway Drive  
Sterling Heights, MI 48313

RE: Comcast Cablevision Exclusive Agreement to Provide  
Cable Television Services at East Lakeside Apartments

Dear Sir:

It has come to our attention that you may be considering an agreement with Americast to provide cable television services to the above named complex you own.

In case you are unaware, Comcast has the exclusive right to provide cable television service to your property. Our agreement executed July 13, 1982, by the owner of the property, expresses that right and is "binding upon the parties, their successors or assigns." We trust you will find this information helpful and shall abide by the terms and conditions of this agreement.

We at Comcast value our long standing relationship and appreciate the opportunity to serve the residents who live within your complex. We look forward to continuing to provide your residents with state-of-the-art cable television programming, and many new products and services, well into the 21st century.

If you have any questions regarding this matter or need additional information, please contact me directly at (810) 978-3506.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen A. Feiger', written over a circular stamp or seal.

Karen A. Feiger  
Commercial Development

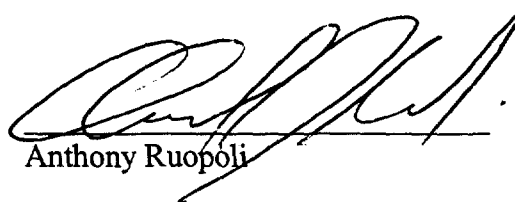
### **Declaration of Anthony Ruopoli**

I, Anthony Ruopoli, do declare as follows:

1. I, Anthony Ruopoli, am General Manager, MDU Sales and Service for Ameritech New Media, Inc. ("Ameritech"). I am responsible for directing the sales and service efforts for multiple dwelling units in Ameritech's franchise areas.
2. Ameritech has franchises to serve the following communities in the Detroit, Michigan area where Comcast Cable Communications, Inc. ("Comcast"), or related entity, is the incumbent cable television operator: Sterling Heights, [etc.]. Of those communities, Ameritech is currently serving customers in Sterling Heights, [etc.], including some multiple dwelling units.
3. On or about April 28, 1997, Comcast sent a letter to a number of multiple dwelling unit owners purporting to have an exclusive agreement to provide cable television services to the particular multiple dwelling units. A copy of the letter is attached.
4. To my knowledge and belief, Comcast mass mailed this or similar letters to many multiple dwelling units with which Comcast has a service agreement and with which Ameritech was negotiating or had negotiated a service agreement to provide cable television service in competition with Comcast.
5. To my knowledge and belief, some of the multiple dwelling units which received such a letter do not have an exclusive agreement with Comcast. In other instances, Comcast has recently attempted to renegotiate new exclusive service agreements with some multiple dwelling unit owners.
6. To my knowledge and belief, Comcast is attempting to prevent Ameritech from competing against Comcast in the multiple dwelling unit market in the above communities. As a result, the residents of such multiple dwelling units will be denied the benefits of competition.
7. As a result of Comcast's efforts, some multiple dwelling unit owners, with whom Ameritech had already reached an agreement and whose buildings had already been wired, are now requesting that Ameritech not proceed to commence service to those multiple dwelling units.

8. I hereby declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

5/13/97  
Date

  
Anthony Ruopoli